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THE NATIONAL PATENT INQUIRY

Interest in the American patent system has been increased recently by the acceptance by the executive committee of the American Engineering Council at a meeting on December 8, 1938, of an invitation from the National Industrial Conference Board to collaborate in a factual inquiry into the American patent system.

The Engineering Council committee on patents will supervise the technical phases of the investigation; the Conference Board will study the economic aspects.

The tremendous effects of inventions and of patent laws may not be realized until one learns the tentative scope of the investigation. The inquiry has been arranged into five general groups: The origin of inventions; the social and economic effects of inventions; the workings of the patent system; the consequences of the patent system; and criticism and proposed reforms to the patent system.

Inventions may originate with individual inventors, industrial company research laboratories, industrial company engineering developments, government laboratories, trade association laboratories, universities and foundations, and private consulting laboratories. What are the costs of the invention, what type of invention may result, how strong are the patents, how soon is the invention developed or capital supplied to work the invention? The inquiry will seek to compare the answers to these questions according to the origin of the invention.

Inventions have social and economic effects on consumers, labor, capital, and management. It should benefit the consumers; it may affect the health, comfort, productivity, wages, hours, working life, and employment and unemployment of labor; old capital may be destroyed by invention and new capital needed to develop the same invention; production and business planning of management may be altered. This section, the consequences of invention, will probably take the greatest amount of study by the committee.

The patent system, how it operates, how it protects the inventor, the user and the public, and how the patent law may be interpreted, will all be examined, and also foreign patent systems.

The inquiry will include the far reaching consequences of the system in the stimulation of invention and in the disclosure and development of invention, in the effects of temporary patent monopoly, and in the possibilities of improper use of patents or the formation of patent pools and cross-licensing.

Criticism and proposed reforms may concern any or all of the following: The duration of the patent, such as the arbitrary length of life, cancellation for non-development and non-working of the invention, taxation of the patent, and government purchase of the patent; limitations of exclusive control, such as compulsory working, compulsory licensing, non-exclusive control requirements, and provision for government use; patent office practice, such as more complete search for previous patents, better classification of patents, and more prompt action in the granting of patents; and presumption of validity of patents, such as advance publicity permitting protest before granting of the patent, prompt review and settlement of interference cases, and more prompt court review of the validity of patents.

This great inquiry is hoped to be finished within one year, with factual sections of the inquiry released from time to time before the expiration of the twelve months.

The findings of this survey should be of great interest and importance to the engineer, and especially so to the research engineer and engineer-inventor.

—P. E. B.

The picture on the cover of this issue is an aerial view of San Francisco's Golden Gate Exposition. It is used through the courtesy of *Electrical West*.